

REMARKS

Claims 1-22 are now pending in this application for which applicant seeks reconsideration.

Election

Applicant confirms the election of Group I directed to claims 1-3, 9-11, 17, and 19-22. Claims 4-8, 12-16, and 18 have been withdrawn.

Amendment

Claims 1, 4, 9, 12, 17-19, and 21 have been amended to improve their form and to overcome the informalities (§ 112) identified by the examiner. The claims no longer recite the term "capable." No new matter has been introduced.

Art Rejection

Claims 1, 2, 9, 10, 17, and 19-22 were rejected under 35 U.S.C. § 102(e) as anticipated by Turnbull (USP 7,146,412). Claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Turnbull in view of Loughran (USPGP 2002/0129107).

Examined independent claims 1, 9, 17, 19, and 21 each call for upgrading a module (e.g., program) via email. In this respect, these claims call for receiving an upgrade module via email.

In contrast, while Turnbull discloses informing the availability of the system upgrade via an email, Turnbull upgrades the system via a network 104 rather than an email. That is, Turnbull does not send any firmware or program upgrade through an email. Indeed, Turnbull merely discloses that a user operating host computer 108 may receive an email notification initiated by a peripheral computing device 102(2) indicating that a firmware upgrade is available for downloading and installation from a particular server 110. See column 5, the first full paragraph of Turnbull.

Loughran similarly fails to disclose upgrading a program or firmware through an email. Specifically, Loughran discloses that an upgrade server sends an SMS message containing instructions for connecting a mobile device to the upgrade server to download the upgrade software. See paragraph 45 of Loughran.

Conclusion

Applicant submits that claims 1-22 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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